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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 06 1992

REPLY TO THE ATTENTION OF:
5HSM-5-J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HiMill Manufacturing Company
1704 East Highland
Highland, MI 48031

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 RCRA, for HiMill Manufacturing Company, hereinafter referred to as "the Site".

Dear Mr. Beard:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants from 1946 to the present. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance.

"Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. 1001.

The United States Environmental Protection Agency has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

Your response to this Information Request should be mailed to:

Marsha A. Adams
Superfund Program Management Branch 5HSM-5-J
U.S. Environmental Protection Agency
77 West Jackson Street
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Maria Gonzalez, at (312) 886-6630. If you have other questions, please direct such questions to Karla Johnson, at (312) 886-5993.

Thank you for your cooperation in this matter. To ensure expeditious treatment of your response, please send it to the above address.

Sincerely,

Thomas W. Mateer, Chief
Superfund Program Management Branch

Enclosure

FIRST SET OF INFORMATION REQUESTS

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, indicating which questions, identify all contributing sources of information, all persons answering each question on behalf of the Respondent, all persons consulted in the preparation of the answer of each question, and all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.
4. If information is not known or is not available to the Respondent as of the date of submission of his/her response, should information later become known by or available to the Respondent, Respondent must supplement his/her response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of his/her response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices of the Respondent between 1946 to the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or personal knowledge

of your employees, agents, or other representatives, the information shall be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36901 et seq. (9/1/76); 43 Federal Register 4000 et seq. (9/8/78); 50 Federal Register 51654 et seq. (12/18/85).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.
10. U.S. EPA has the authority to use the information requested herein in an administrative civil or criminal action.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "the Facility" shall mean and include the pro-

property on or about 1704 East Highland, Highland, Michigan 48031. This property is adjacent to the Highland Recreation Area, and is also known as the HiMill Manufacturing Company.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances including petroleum products.
5. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminant, hazardous wastes, solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The terms, "furnish", "describe", or "identify" or "indicate", shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
12. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
13. The term "identify" means, with respect to a corporation,

partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.

14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
15. The term "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
16. "Transaction" or "Transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, or change in possession.
17. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
18. "And" as well as "or" shall be construed either disjunc-

tively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.

19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Part 260-280, in which case the statutory or regulatory definitions shall apply.
21. The term "property interest" means any interest in property including without limitation, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented the property, any interest as either the trustee, Settlor, or beneficiary of a trust that owns or rents, or owned or rented property, any liens, mortgages or contractual rights with regard to property, any interest in the proceeds, rents, profits of the property, however contingent, remote, or minute.
22. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds and other tangible as well as intangible property.
23. The term "arrangement" means every separate contract or other agreement between two or more persons.

INFORMATION REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests. Identify all persons answering these Requests on behalf of the Respondent.
2. Identify all documents consulted, examined, or referral to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom and identify such persons.
6. Identify all persons from 1946 to the present, including respondent's employees, contractors, or agents, who have knowledge or information about the generation, use, treatment, storage, disposal or other handling of material at or transportation of materials to the Site. Show each person's Social Security Number, job title, job description, and dates of employment.
7. Describe all arrangements that the Respondent may have or may have had with Raymond F. Unruh.
8. Set forth the dates during which the Respondent engaged in any of the following activities:
 - a) ownership of all or any portion of the Site
 - b) generation of hazardous materials which were potentially or ultimately disposed of at the Site
 - c) transportation of any material to the Site
 - d) operation of the Site
9. Identify all persons who may be responsible for the liabilities of the respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to successors and individuals.
10. Identify all liability insurance policies held by Respondent from 1946 to present. Identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.
11. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.

12. If Respondent is a Corporation, respond to the following requests:
 - a) Provide a copy of the current title policy, documents showing status of the title since 1987, Articles of Incorporation, By-Laws, Organizational Chart, and amendments to the above, of the Respondent.
 - b) Provide financial statements, reports or projections prepared by, for or on behalf of the Respondent for the past five fiscal years, including, but not limited to those filed with the Federal and State Internal Revenue Service and the Securities Exchange Commission, State Agencies, and all financial institutions such as banks.
 - c) Provide copies of documents filed with State Agencies concerning the Respondent's corporate status, including annual reports for the last five fiscal years.
 - d) Identify all of Respondent's current assets and liabilities and the person who currently own or are responsible for such assets and liabilities.
 - e) Identify the Parent Corporation and all subsidiaries of the Respondent.
 - f) Identify the managers and majority shareholders of Respondent and the nature of their management duties and/or amount of shares held.
 - g) List salaries, bonuses, dividends, loans, and rental payments paid to managers and majority shareholders.
13. If Respondent is now or has ever been a Partnership, provide copies of the Partnership Agreement.
14. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.
15. Indicate passbook accounts, certificates of deposit, safe-deposit boxes and other documents evidencing deposits in any bank or other financial institution for Respondent. Give the name and address of each institution, the value of the deposit and the name and number under which the account or certificate is maintained.

16. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle or supervise the handling of any materials at the Site? If the answer to the preceding questions is anything but an unqualified "no", identify:
- a) the chemical composition, characteristics, physical state (e.g., solid, liquid) of each material;
 - b) who supplied you with such material;
 - c) how such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you or under your direction;
 - d) when such materials were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you or under your direction;
 - e) where such materials were used, purchased, generated, stored, treated, transported, disposed, disposed or otherwise handled by you or under your direction; and
 - f) the quantity of such materials used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you or under your direction.
17. State the dates during which you owned, operated, leased or held a property interest in the Site and provide copies of all documents evidencing or relating to such ownership, operation, lease or property interest arrangement (e.g. deeds, leases, contracts, agreements, transfers of assets, etc.).
18. Identify the prior owners of the Site. For each prior owner, further identify:
- a) the dates of ownership;
 - b) all evidence showing that they controlled access to the Site; and
 - c) all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

19. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:
 - a) the dates of operation;
 - b) the nature of prior operations at the Site;
 - c) all evidence that they controlled access to the Site; and
 - d) all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
20. As owner/operator describe your personal involvement, including oversight, management roles, and active participation, and the involvement of your employees, contractors, and agents in the planning of and the actual procedures used in the cleaning up and/or remediation of the lagoons located upon the Site.
21. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).